THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17167 of 2005

THURSDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

Iyyapu Ashok S/o. Sri Iyyapu Panduranga Rao
Panduranga Filling Station, SC.No.693, P.B.Puram, Ranastalam Section
Srikakulam District.

..... PETITIONER

AND

1. Assistant Division Engineer/Opertion/A.P. Transco A.P. Eastern Power Distribution Company Limited, Srikakulam Disrict.
2 The Divisional Electrical Engineer/Operation A.P. Transco
Srikakulam Disrict.
3 The Supteintending Engineer/Operation A.P. Transco
Srikakulam Disrict.
4 The Divisional Engineer/Assesments, A.P. Transco, Visakhapatnam
Visakhapatnam Disrict.
5 The Divisional Engineer, D.P.E A.P. Transco,
Srikakulam Disrict.
6 The Assistant Accounts Officer E.R.O/A.P. Transco, Srikakulam
Srikakulam Disrict.
7 The Assistant Engineer/ Operation A.P. Transco, Ranastalam
Srikakulam Disrict.

.....RESPONDENTS

The Court, at the stage of admission, made the following:

ORAL ORDER:-

Heard the learned counsel for the petitioner and Sri V. Ajay Kumar, learned standing counsel for the respondent.

The provisional assessment notice and demand dated 29-07-2005 issued by the 1st respondent alleging tampering of the seals and pilferage of energy and intimating the petitioner to pay Rs. 2,99,372-00 plus supervision charges of Rs.150-00 for obtaining re-connection of the disconnected supply, is assailed in the writ petition. The learned counsel for the respective parties are agreed that the issues raised in this writ petition are covered by the judgment of a learned Division Bench of this court in W.A.No. 452 and 477 of 2004 and that as per the said judgment, the impugned notice, including the demand raised therein, are untenable, as on provisional assessment, the consumer cannot be called upon to pay any amount nor can the supply be disconnected.

In view of the admitted legal position, the writ petition is allowed. The provisional assessment notice bearing reference Lr.No. ADE/O/SKL/D.No. 806/2005 dated 29-07-2005 is set aside. The respondents are directed to restore the electricity supply of the petitioner in respect of Service Connection No. 693 of P.B. Varam Distribution, Ranastalam Section, Srikakulam district. The respondents are, however, at liberty to proceed against the petitioner in accordance with law. No costs.

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GODA RAGHURAM, J

Dt./ 04-08-2005

Pvks/*

Nb: Furnish c.c. tomorrow.

B/o

Pvks/*